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REMARKS

In the Office Action, the Examiner noted that claims 1-31 are pending in the application, of which claims 1-3, 5-8, 11, 15, 16, and 18-20 stand rejected, claims 24-31 have been allowed, and claims 4, 9, 10, 12-14, 17, and 21-23 stand objected to. By this response, claims 1-31 continue unamended. The Applicants thank the Examiner for indicating the allowable subject matter with respect to claims 24-31.

In view of the following discussion, Applicants submit that none of the claims now pending in the application are anticipated under the provisions of 35 U.S.C. §102 or obvious under the provisions of 35 U.S.C. §103. Thus, Applicants believe that all of these claims are now in condition for allowance.

OBJECTIONS

A. ALLOWABLE SUBJECT MATTER

The Examiner has objected to claims 4, 9, 10, 12-14, 17, and 21-23 as being dependent upon a rejected base claim. The Examiner concludes that these claims would be allowable subject matter if rewritten in independent form including all the limitations of the base claim and any intervening claims.

The Applicants thank the Examiner for indicating the allowable subject matter with respect to these claims. However, in view of the arguments set forth herein, the Applicants believe base claims 1 and 15 (and all intervening claims) are in allowable form and, as such, the dependent claims 4, 9, 10, 12-14, 17, and 21-23, as they stand, are therefore in allowable condition. Therefore, the Applicants respectfully request that the foregoing objections to these claims be withdrawn.

REJECTIONS

A. 35 U.S.C. §102

1. Claims 1 and 2

The Examiner rejected claims 1 and 2 as being anticipated by Russ (United States patent publication 2002/0041007, published April 11, 2002, hereinafter referred to as the "Russ publication"). The rejection is respectfully traversed.

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The Examiner has cited, as the basis for rejecting claims 1 and 2 the Russ publication, entitled "Multifinger Silicon Controlled Rectifier Structure For Electrostatic Discharge Protection". The Russ publication was filed on October 10, 2001 and subsequently published on April 11, 2002. The Applicants submit that they conceived and reduced their invention to practice, as presently claimed, prior to the publication date of the Russ publication. In support of this submission, the Applicants enclose herewith a declaration under 37 CFR §1.131 that has been executed by the available inventors, which declares a conception date for the invention claimed in the above-identified patent application to be on or before October 10, 2001, and that due diligence was exercised towards reducing the invention to practice.

In particular, the Applicants have enclosed herewith, various copies of documents (Exhibits A-E) that provide evidence of an earlier invention date. It is noted that the Applicants have modified the Exhibits A-E by removing reference dates thereon. The Applicants will submit unmodified copies of the Exhibits A-E if deemed necessary. In view of this declaration, the Russ publication may no longer be considered as a prior art reference with respect to the Applicants' Invention.

Further, as stated in MPEP 715.04, a declaration filed under Rule 37 CFR 1.131 requires the signature of each of the joint inventors, unless it is shown that an inventor or inventors were "otherwise unavailable." In that instance, the signatures of the remaining inventors are sufficient. It is noted that inventors Christian C. Russ and Markus P.J. Mergens are unavailable to execute the enclosed declaration. Mr. Russ and Mr. Mergens have moved to Germany and are both unavailable to execute the declaration. However, the available inventors, Leslie R. Avery, John Armer, and Koen G.M. Verhage have executed the enclosed declaration to fulfill the requirements under MPEP 715.04. As such, the Applicants respectfully request that this declaration be entered and judged effective as swearing behind the Russ publication. Furthermore, the Applicants respectfully request that the rejections of claims 1 and 2 be withdrawn.

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B. 35 U.S.C. §103

1. Claims 3, 5-8, 11, 15, 16, 18-20

The Examiner rejected claims 3, 5-8, 11, 15, 16, 18-20 as being unpatentable over the Russ publication (United States patent publication 2002/0041007, published April 11, 2002). The rejection is respectfully traversed.

As the Russ publication was filed on October 10, 2001 and published on April 11, 2002, after the Applicants' November 5, 2001 filing date, the Russ publication is a 102(e) type reference. Russ is commonly assigned to Sarnoff Corporation, which was recorded on October 10, 2001 (Reel/Frame 012254/0569). The Applicants' invention is also assigned to Samoff Corporation, and was recorded on September 5, 2002 (Reel/Frame 013383/0743). The Applicants' invention and the Russ publication were, at the time Applicants' invention was made, owned by, or subject to an obligation of assignment to, Sarnoff Corporation. Since this application was filed after November 29, 1999, the Russ publication does not preclude patentability under the provisions of 35 U.S.C. §103(c), as amended by the American Inventors' Protection Act of 1999 (see, MPEP 706.02(I)(1)).

As such, the Applicants respectfully submit that claims 3, 5-8, 11, 15, 16, and 18-20 fully satisfy the requirements under 35 U.S.C. §103 and are patentable thereunder. Therefore, the Applicants respectfully request the foregoing rejections to claims 3, 5-8, 11, 15, 16, and 18-20 be withdrawn.

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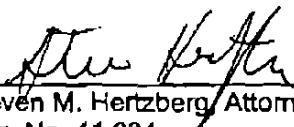
CONCLUSION

Thus, Applicants submit that none of the claims presently in the application are anticipated under the provisions of 35 U.S.C. §102, or obvious under the provisions of 35 U.S.C. §103. Consequently, Applicants believe that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Steven Hertzberg at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

8/29/03


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